

REMARKS

Restriction Requirement

In the Official Action, dated December 9, 2005, the Examiner set forth a two-way restriction requirement, as follows.

Group I. Claims 1 through 12, 18, 19, and 20/1, directed to an image forming apparatus (see embodiment 1 at page 15 of the specification) having a plurality of AC voltages applied to an image bearing member from a charging member and of detecting the current flowing between the charging member and image bearing member, the charging voltage for charging an image bearing member is selected based on a current detection means, and for applying a second higher voltage (foreign substance eliminating bias, see specification at page 33) to the charging member after the plurality of voltages are applied but before a charge operation, classified in class 399, subclass 50; and

Group II. Claims 13 through 17 and 20/13, directed to an image forming apparatus (see embodiment 2, page 36 of specification) having a charging member which applies an AC voltage in the non-image area which is higher than a charging voltage, a transfer member for transferring an image to a transfer medium, current detecting means for detecting the current between an image carrier and charging member, and applying a DC voltage of opposite polarity to normal charge voltage in the non-image area, classified in class 399, subclass 66.

The Examiner contends that the inventions of Groups I and II are patentably distinct for the reasons succinctly set forth in the Official Action.

Response to Restriction Requirement

In order to comply with the requirements of 37 C.F.R. § 1.143, Applicants provisionally elect, with traverse for the reasons set forth below, to prosecute the invention of Group I, namely Claims 1 through 12, 18, 19, and 20/1.

Applicant submits that the inventions of Groups I and II are so closely related in the field of search as indicated by the classifications of the several Groups in a common class as above-mentioned, that a proper search of any of the claims would, of necessity, require a search of the others. Thus, it is submitted that all of the claims can be searched together, and that a duplicative search, with the possibility of inconsistent results may result, if the restriction requirement is maintained.

Applicants also submit that any nominal burden placed upon the Examiner to search an additional class(es) and/or subclass(es), necessary to determine the art relevant to Applicants' overall invention is significantly outweighed by the public interest in not having to obtain and study several patents in order to have available all of the patent claims covering Applicants' invention. The alternative is to proceed with the filing of multiple applications, each consisting of generally the same disclosure, and each being subjected to essentially the same search, perhaps by different Examiners on different occasions. This places an unnecessary burden on both the U.S. Patent and Trademark Office (the "PTO") and on Applicants.

In the interest of economy for the PTO, for the public-at-large, and for Applicants, reconsideration and withdrawal of the restriction requirement are respectfully requested.

Amendment

Claims Status

Claims 1 through 12, 18, 19, and 20/1 remain pending in the application. Claims 13 through 17 have been canceled. Claims 1 through 12, 18, and 19 have been amended to even more succinctly define the invention and/or to improve their form. Claim 20 has been amended to depend only from Claim 1 as a result of the above-mentioned restriction requirement. It is respectfully submitted that no new matter has been added. Claim 1 is the only independent claim pending in the application.

Specification

The specification has been amended to attend to place it in better form. It is respectfully submitted that no new matter has been added.

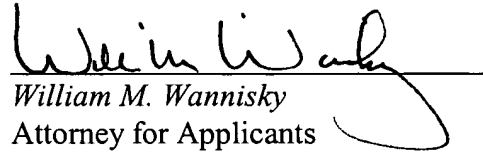
Conclusion

Favorable consideration hereof and an early passage to issue of the application are requested.

If there is any issues precluding allowance of the application, the Examiner is respectfully requested to telephone Applicants' undersigned attorney.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to the New York address listed below.

Respectfully submitted,


William M. Wannisky
Attorney for Applicants
Registration No. 28,373

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

WMW\las

DC_MAIN 226549v1